

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LESTER KAUFFMAN,	:	CIVIL ACTION NO. 1:07-CV-1265
<i>as Trustee of the Union Trowel Trades</i>	:	
<i>Funds of Central Pennsylvania,</i>	:	(Judge Conner)
	:	
Plaintiff	:	
	:	
v.	:	
	:	
RSK CONSTRUCTION	:	
MANAGEMENT,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 6th day of September, 2007, upon consideration of plaintiff's motion for default judgment (Doc. 5), and it appearing that defendant has not entered an appearance in the above-captioned action, see FED. R. CIV. P. 55(b)(2) (providing for notice and a hearing on motion for default only if adverse party has made an appearance), and that default has been entered against defendant for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure, see FED. R. CIV. P. 55(a) (providing for entry of default by clerk), and the court finding that plaintiff's Employee Retirement Income Security Act claim for \$2,482.94 is supported by a sworn affidavit and represents a sum certain that is dictated by the applicable collective bargaining agreement, (see Doc. 5, Ex. A; Doc. 1 at 4); see also FED. R. CIV. P. 55(b) (allowing court to enter judgment by default without hearing if claim is for a "sum certain"), and that plaintiff's request

for \$370.00 in attorneys' fees is reasonable, see In re Rite Aid Corp. Sec. Litig., 396 F.3d 294, 301-02, 305 (3d Cir. 2005), it is hereby ORDERED that:

1. The motion for default judgment (Doc. 5) is GRANTED.
2. The Clerk of Court is directed to enter JUDGMENT in favor of plaintiff and against defendant in the amount of \$2,482.94.
3. Costs shall be allowed to plaintiff as the prevailing party and shall be taxed against defendant by the Clerk of Court upon plaintiff's filing of a bill of costs with the Clerk of Court. See L.R. 54.3-54.4; see also FED. R. CIV. P. 54(d)(1).
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge